



Patent Docket P1467R2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of Mark Sliwkowski (as amended) Serial No.: 09/602,812 Filed: June 23, 2000 For: Humanized Anti-ErbB2 Antibodies and Treatment with Anti-ErbB2 Antibodies	Group Art Unit: 1642 Examiner: J. Hunt TECH CENTER 1600/2900
<p>CERTIFICATE OF MAILING I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated below and is addressed to: U.S. Patent and Trademark Office, Washington, D.C. 20231-9999 Express Mail Label No. EV 073 722 636 US</p> <p>August 7, 2002 Wendy M. Lee</p>	

DECLARATION UNDER 37 CFR §1.132

Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

I, Wendy M. Lee, Senior Patent Agent - Specialist, in Genentech's legal department, do hereby declare and say as follows:

1. The hybridoma cell line producing the 2C4 monoclonal antibody was deposited with the American Type Culture Collection (ATCC), 10801 University Blvd., Manassas, VA 20110-2209 USA on April 8, 1999 and accorded accession number HB-12697. The ATCC is a depository which affords permanence of the deposit and ready accessibility by the public if a patent is granted. The deposit was made under the provisions of the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purpose of Patent Procedure and the Regulations thereunder (Budapest Treaty). A copy of the deposit receipt and viability statement for the deposited cell line is attached hereto.

2. All restrictions on the availability to the public of the deposit will be irrevocably removed upon the granting of a US patent on the above application.

3. The above hybridoma cell line has been deposited under conditions that ensure that access to it will be available during the

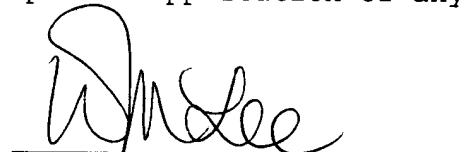
pendency of the patent application to one determined by the Commissioner to be entitled thereto under 35 CFR 1.14 and 35 USC 122.

4. The deposit will be stored with all care necessary to keep it viable and uncontaminated for a period of at least five years after the most recent request for the furnishing of a sample of the deposit, and in any case at least thirty (30) years after the date of the deposit or for the enforceable life of any patent granted on the above application, whichever is longer.

5. The deposit shall be replaced should the depository be unable to furnish a sample when requested due to the condition of the deposit.

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code and that willful false statements may jeopardize the validity of the instant patent application or any patent issued thereon.

Date: August 1, 2002



Wendy M. Lee